

## ARTICLE 37-04

### REGULATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES OPERATION ON STATE HIGHWAY SYSTEM

Chapter  
37-04-01            General Rules of Operation

#### CHAPTER 37-04-01 GENERAL RULES OF OPERATION

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**37-04-01-01. Definitions.** The terms herein shall have the same meaning as in North Dakota Century Code title 24, except:

1. "Back-slope" means that portion of the highway right of way commencing at the outer ditch bottom and angling to the top of the ditch section at the outer edge of the right of way.
2. "Inslope" means that portion of the highway commencing at the edge of the shoulder and sloping to the ditch bottom.
3. "Permit" means written authorization from the state highway commissioner to the sponsoring party permitting the use of the highway right of ways for racing purposes.
4. "Recreational vehicle" means a snowmobile as defined by subsection 9 of North Dakota Century Code section 39-24-01, or an all-terrain vehicle as defined by subsection 1 of North Dakota Century Code section 39-01-01.
5. "State highway system" means those highways designated as a United States (US) route, a North Dakota (ND) route, but excluding the interstate system.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-02. Prohibited use of highway right of way.** Repealed effective October 1, 1988.

**37-04-01-03. Permitted use of highway rights of way.** A person having a valid operator's license may operate a registered recreational vehicle upon the ditch bottoms, back-slopes, and the top of the back-slope on any state highway.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-04. Crossing of state highways.** Repealed effective October 1, 1988.

**37-04-01-05. Transitory operation on shoulder, inslope, or roadway.** A person may operate a recreational vehicle upon the shoulder, inslope, or roadway of a state highway only when an obstruction prevents the safe operation of the recreational vehicle upon the ditch bottom and the backslope. The operation on the shoulder, inslope, or roadway shall be for the sole purpose of avoiding the obstruction and upon passing the obstruction, the operator shall return the recreational vehicle to the ditch bottom of backslope.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-06. Organized races permitted.** The highway commissioner may authorize utilization of the ditches, back-slopes, and tops of the back-slopes for organized and bona fide recreational vehicle races on highways under the commissioner's jurisdiction. Such authorization shall be in the form of a written permit as prescribed by the commissioner.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-07. Applications for racing permit.** An application for the use of highway right of way for recreational vehicle racing shall be made upon the form provided for that purpose by the highway commissioner. Such application shall include, but not be limited to, the following: route selection, date and time of the race, sponsor of the race, safety precautions instituted, if any, and the designation of any crossing of a highway on the state highway system.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-08. Headlamps.** All recreational vehicles shall be equipped with at least one headlamp mounted in front of the vehicle. Such headlamp on a

recreational vehicle shall be of a sufficient intensity to reveal a person or vehicle under the following conditions:

1. Not less than one hundred feet [34.8 meters] when the recreational vehicle is operated at any speed less than twenty-five miles [40.23 kilometers] per hour.
2. At a distance of not less than two hundred feet [69.6 meters] when the recreational vehicle is operated at a speed of twenty-five miles [40.23 kilometers] or more per hour.
3. At a distance of not less than three hundred feet [104.4 meters] when the recreational vehicle is operated at a speed of thirty-five miles [56.33 kilometers] or more per hour.

The headlamp shall be so mounted that when the recreational vehicle is not loaded, none of the light shall, at a distance of twenty-five feet [7.6 meters] ahead, project higher than a level of five inches [12.7 centimeters] below the level of the center of the lamp and in no case higher than forty-two inches [106.68 centimeters] above the level on which the recreational vehicle stands at a distance of seventy-five feet [22.86 meters] ahead.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-09. Taillamps.** All recreational vehicles shall be equipped with at least one taillamp being so mounted to be visible to the rear of the vehicle. The taillamp shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of four hundred feet [121.92 meters] from the rear of the recreational vehicle. Such taillamp shall not be altered in any manner that would diminish its light intensity or alignment.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

**37-04-01-10. Brakes.** Recreational vehicles shall be equipped with brakes capable of controlling the vehicles under normal operating conditions.

**History:** Effective January 1, 1979; amended effective October 1, 1988.

**General Authority:** NDCC 39-24-08, 39-29-08

**Law Implemented:** NDCC 39-24-08, 39-29-08

## APPENDIX A

### PERMIT TO CONDUCT RECREATIONAL VEHICLE RACE

\_\_\_\_\_, is hereby authorized pursuant to  
sponsor

North Dakota Century Code sections 39-24-08 and 39-29-08 to conduct  
a recreational vehicle race, pursuant to the terms and conditions of  
its application, a copy of which is annexed hereto and incorporated as a  
part of this permit40 , all or limited by the following:

CONDITIONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
WALTER R. HJELLE  
Highway Commissioner

Dated this\_\_\_\_day of \_\_\_\_\_, 19\_\_\_\_.

## APPENDIX B

### APPLICATION FOR PERMIT TO CONDUCT RECREATIONAL VEHICLE RACE

The applicant requests a permit to conduct a recreational vehicle race, which will be sponsored by \_\_\_\_\_,  
name

\_\_\_\_\_, to take place on the rights of way of the following  
address

state highways:

_____	_____
_____	_____
_____	_____

Such race will take place on \_\_\_\_\_ and will commence  
date

at \_\_\_\_\_.m. and will terminate at \_\_\_\_\_.m.

The route selected for the race will require the crossing of  
state highways at the following listed locations:

_____	_____
_____	_____
_____	_____

The following safety precautions have been instituted and  
will be utilized during the period in which the race is conducted:

_____	_____
_____	_____
_____	_____

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Sponsor